

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 20 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJOSE GOMEZ, individually and on behalf
of a class of similarly situated individuals,

Plaintiff - Appellant,

v.

CAMPBELL-EWALD COMPANY,

Defendant - Appellee.

No. 13-55486

D.C. No. 2:10-cv-02007-DMG-
CW
Central District of California,
Los Angeles

ORDER

RECEIVED CLERK, U.S. DISTRICT COURT	
8/20/2013	
CENTRAL DISTRICT OF CALIFORNIA	
BY: _____ DLM DEPUTY	

Before: Peter L. Shaw, Appellate Commissioner.

Appellee's motion to dismiss this appeal for lack of jurisdiction is denied

without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (stating that merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

The opening brief and excerpts of record are due September 30, 2013; the answering brief is due October 30, 2013; and the optional reply brief is due within 14 days after service of the answering brief.